IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 32473 of 2005(N)

PETITIONER:

S.KARTHIKEYAN PILLAI,
AMBILIYIL KARTHIKA NIVAS, CHEMMANTHOOR SOUTH,
PUNALUR P.O.

BY ADV. SRI.G.UNNIKRISHNON

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CHIEF CONSERVATOR OF FORESTS (GENERAL), OFFICE OF THE CHIEF CONSERVATOR OF FORESTS, VAZHUTHACAUD, THIRUVANANTHAPURAM.

3. THE CHIEF CONSERVATOR OF FORESTS (PROTECTION), DO.DO.

4. THE ACCOUNTANT GENERAL (A&E) AUDIT), OFFICE OF THE ACCOUNTANT GENERAL, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF ORDER DATED 17,2,1995 OF THIRD RESPONDENT.

EXT.P2 TRUE COPY OF ORDER DATED 25.4.98 ISSUED BY SECRETARY FOREST & WILD LIFE DEPARTMENT.

EXT.P3 TRUE COPY OF JUDGMENT DATED 8.11.2000 IN OS NO. 169/97 AND OS. 271/98 OF MUNSIFF'S COURT, PUNALUR.

EXT.P4 TRUE COPY OF JUDGMENT DATED 31.1.2004 IN A.S.NO. 6/2001 AND 7 OF 2001 OF SUB COURT, KOTTARAKARA.

EXT.P5 TRUE COPY OF LAWYERS NOTICE DATED 22.9.2005

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 32473 OF 2005

Dated this the 27th day of February, 2007

JUDGMENT

Death-cum-Retirement Gratuity payable to the petitioner was withheld, even though petitioner retired on 31.5.1993, on the ground that Government had a claim over the petitioner. In fact the claim against the petitioner which was above Rs. 1 lakh, was reduced in appeal to Rs. 59,196/-. DCRG payable to the petitioner was adjusted towards liability and revenue recovery proceedings were initiated for recovery of balance Rs. 12,696/-. While so, petitioner filed civil suit before the Munsiff's Court, which held that no amount will be recovered from the petitioner vide judgment in O.S.No. 69 of 1997. That judgment is seen confirmed in appeal by the Sub Judge, Kottarakkara vide judgment in A.S.Nos. 6 and 7 of 2001. Petitioner has produced proceedings of the Government dated 19.6.2006 and that of the Chief Conservator of Forests dated 11.10.2006 wherein the DCRG is ordered to be released to the petitioner consequent upon civil court judgments. According to the petitioner, so far petitioner has not

received payment, even though Government has ordered release of DCRG amount. Counsel for the petitioner submitted that there is inordinate delay of 13 years in releasing the DCRG amount and petitioner should get interest. It is seen that DCRG amount was adjusted towards liability and only by virtue of the civil court judgments government liability was cancelled entitling the petitioner for payment of DCRG. Accordingly, W.P. is disposed of with direction to the respondents to release DCRG amount with interest at 8% per annum from 8.11.2000, that is the date of judgment of civil court, till date of payment, within two months from the date of production of a copy of this judgment by the petitioner.

(C.N.RAMACHANDRAN NAIR)
Judge